

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

Bradford T. Reeve, Sr. and Paul Reeve, Inc.
a Corporation d/b/a Bayview Farms/Reeve & Sons, and
Paul Reeve, Individually and as Owner;

Defendants

Civil Action File

No. 13-CV-0203

SJF, GRB

CONSENT JUDGMENT
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 24 2013 ★

LONG ISLAND OFFICE

WHEREAS, Plaintiff, the Secretary of Labor, has conducted an investigation of Defendants Bradford T. Reeve, Sr. and Paul Reeve, Inc. d/b/a Bayview Farms/Reeve & Sons, and Paul Reeve, individually and as owner ("Defendants") under the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. §201, et seq.) ("the Act") for the time period April 16, 2011 through December 3, 2011; and

WHEREAS, Plaintiff, the Secretary of Labor, has conducted an investigation of Defendants under the Migrant and Seasonal Agricultural Worker Protection Act, as amended, ("the Act") (29 U.S.C. §1801, et seq.) for the time period July 8, 2010 through December 15, 2011; and

WHEREAS, Plaintiff, Secretary of Labor and Defendants, through their undersigned Counsel have agreed to resolve these matters; and

WHEREAS, Plaintiff, the Secretary of Labor, has filed her Complaint and Defendants appeared by Counsel, waive their answer, and agree to the entry of this judgment without

contest. By executing this Consent Judgment, defendants waive formal service of process of the summons and complaint in this matter; and

WHEREAS, Defendants Bradford T. Reeve, Sr. and Paul Reeve, Inc. d/b/a Bayview Farms/Reeve & Sons, and Paul Reeve, individually and as owner, acknowledge their responsibilities pursuant to this agreement, and acknowledge that they will be subject to sanctions in contempt of this court if they fail to comply with the provisions of this Judgment. It is, therefore, upon motion of the attorneys for plaintiff and for cause shown ORDERED that:

I. Defendants, their officers, employees, agents, and all persons acting or claiming to act in the defendants' behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 6, 7, 11(c), 15(a)(2), and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. Section 201 et seq.), (the Act), in any of the following manners:

(1) Defendants shall not, contrary to Section 6 of the Act, pay to any of their employees who in any workweek are engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, wages at rates less than those which are now, or which in the future may become, applicable under Section 6 of the Act.

(2) Defendants shall pay employees at time and one-half their regular hourly rates for all hours worked over 40 per week, and shall not, contrary to Section 7 of the Act, employ any of their employees in any workweek for workweeks longer than the hours now, or which in the future become, applicable under Sections 7 and 15(a)(2) of the Act, unless the employee receives compensation in compliance with the Act.

(3) Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the Regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Part 516.

II. Defendants Bradford T. Reeve, Sr. and Paul Reeve, Inc. d/b/a Bayview Farms/Reeve & Sons, and Paul Reeve, individually and as owner are enjoined and restrained from withholding the payment of a total of **\$10,560** in overtime compensation due certain employees set forth in Exhibit A. Payment of this amount will be made in the total amount by **January 1, 2013**.

The payment shall be by cashier or certified check made payable to **"Wage and Hour Division – Labor"** with **"Case No. 1622884"** written on the face of each check.

Defendants shall send the check to:

**U.S. Department of Labor/Wage & Hour Division
The Curtis Center, Suite 850, West
170 S. Independence Mall West
Philadelphia, PA 19106-3317**

III. On or before **January 1, 2013**, defendants shall send a copy of each of the check to:

**U.S. Department of Labor/Wage & Hour Division
1400 Old Country Road, Suite 410
Westbury, New York 11590-5119
Attn: Diane Callan, Assistant Director**

IV. Neither defendants nor anyone acting on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid as back wages under this Judgment.

V. The plaintiff shall deliver the proceeds of the check less any legal deductions to the employees named on Exhibit A. Any sums not distributed to the employees or to their personal representatives, because of inability to locate the proper persons or because of such persons' refusal to accept such sums, shall be deposited with the Clerk of this Court who shall forthwith

deposit such money with the Treasurer of the United States pursuant to 28 U.S.C. §2041 and §2042.

VI. Defendants shall provide to plaintiff the social security numbers and last known addresses of the defendants' employees and former employees to be paid under this judgment.

VII. Defendants shall pay Fair Labor Standards Act (FLSA) civil money penalties in the amount of **\$8,800.00 no later than January 1, 2013**. Payment shall be made by separate cashier or certified check made payable to **"Wage and Hour Division – Labor"** with **"FLSA Civil Money Penalty – FLSA Case No. 1622884"** written on the face of the check for **\$8,800.00**.

The cashier or certified check shall be sent to:

**U.S. Department of Labor/Wage Hour Division
The Curtis Center, Suite 850 West
170 S. Independence Mall West
Philadelphia, PA 19106-3317**

On or before **January 1, 2013**, Defendants shall send a copy of the check to Diane Callan, Assistant Director as set forth in paragraph III above.

VIII. Defendants shall pay Migrant Seasonal Worker Protection Act (MSPA) civil money penalties in the amount of **\$1,300.00** no later than **January 1, 2013**. Payment shall be made by separate cashier or certified check made payable to **"Wage and Hour Division – Labor"** with **"MSPA Civil Money Penalty –Case No. 1622884"** written on the face of the check for **\$1,300.00**.

On or before **January 1, 2013**, Defendants shall send a copy of the check to Diane Callan, Assistant Director as set forth in paragraph III above.

IX. Defendants shall place FLSA posters in English and in any other language spoken by the employees. These posters will be provided by the Wage and Hour Division as available. Defendants shall display the posters where employees may view them.

X. Defendants shall orally inform all their employees in English and in any other language spoken by the employees of their rights under the Fair Labor Standards Act, and the terms of this Judgment, including the payment of minimum wages and overtime and the rights of employees to engage in activity protected by the Act without fear of retaliation. The defendants shall so inform their employees within thirty (30) days of the entry of Judgment on a workday.

XI. Neither the commencement of this action nor the provisions of this Consent Judgment shall in any way affect, determine, or prejudice any and all legal rights of any employees of

defendant not listed in Exhibit A of this Judgment, be they current or former employees, to file any action against defendant under section 16(b) of the Act or likewise for any current or former employee listed on Exhibit A of this Judgment to file any action against defendant under section 16(b) of the Act for any violations alleged to have occurred after December 15, 2011.

XII. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

SO ORDERED:

DATED: January 24, 2013
Central Islip, NY

s/ Sandra J. Feuerstein

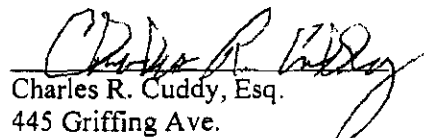
UNITED STATES DISTRICT JUDGE

Defendants have appeared by counsel and
Consent to the entry of this Judgment.

Bradford T. Reeve, Sr. and Paul Reeve, Inc.,
d/b/a Bayview Farms/Reeve & Sons

BY:


Paul Reeve, Individually and as Owner


Charles R. Cuddy, Esq.
445 Griffing Ave.
PO Box 1547
Riverhead, NY 11901

Attorney for Defendants

STATE OF NEW YORK)
 :SS:
COUNTY OF SUFFOLK)

On the 31st day of December 2012 before me personally appeared Paul Reeve to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

Iwona Kodym
NOTARY PUBLIC

IWONA KODYM
Notary Public, State of New York
No. 01K06088386
Qualified in Suffolk County
Commission Expires March 3, 2015

EXHIBIT A

Bayview Farms

First Name	Last Name	BWs Due
HECTOR	CASTANEDA	1320
CARLOS RENE	COJON	1320
ALEX	DOE	1320
ALVARO	DOE	1320
ANA	JEMIO	1320
GAVINO	PIRIR	1320
MARCARI	PIRIR	1320
NICOLAS	XIQUIN	1320
Total		\$10,560

EXHIBIT A